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## OUR KING IN DRESS COAT.

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THE late John Stuart Mill remarked in my hearing that he did not wonder that there should be serious faults in the Constitution of the United States, but he did wonder that, among a people so generally educated as the Americans, there had been developed no school of critics and reformers of the Constitution. In explanation I could only exclaim "Great is Diana of the Ephesians!" The investment in the Constitution was large enough to evolve a generation of believers that it came down from heaven. Since the overthrow of slavery the silver image has shown some signs of turning to clay. When, in 1872, I wrote my little book on "Republican Superstitions," for use in the French Convention, then engaged in framing a Constitution, I could not discover any American work of the kind indicated by Mr. Mill; but since then several able criticisms of our organic law have appeared, such as Lockwood's "Abolition of the Presidency," and Stickney's "Democratic Government." Emerson remarked, as a phenomenon, that there are times when the American eagle bears a curious resemblance to a peacock. It is not unlikely that this Centenary of our Constitution will witness such transformation. But, after the gorgeous tail has been sufficiently spread, it is to be hoped that the eagle eye will scan with more clearness than hitherto the century of our constitutional history. The time is ripe as the occasion is picturesque. There is no question of serious interest in the national politics, and nothing could so fitly supersede the petty disputes at the Capitol, over office holders and Mormons, as a thorough inquest of the Nation into its organic system, as illustrated by its hundred experimental years.

In that century one fact is salient: its history is a series of presidential biographies. Its foreign wars have been the work of presidents; its Civil War was caused by the election of a presi-

dent. There is no political crime which has not been committed by some president, and always with impunity. It is also observable that the presidency has been steadily developed into an office different from any contemplated by those who framed the Constitution. Only two members of that convention—Franklin and Randolph—appear to have clearly foreseen the perilous possibilities of “the one man power.” At that time it appeared to the vast majority that government without individual headship was impossible; and the depth of the root of that belief may be measured by its having survived the fearful cost of its fruit. It is a characteristic of every superstition that it is never judged by its fruits; its root must be searched and truth planted beside it.

The phenomenon of an American potentate, stronger and less responsible than any other monarch in the world, has often been remarked but not explained. The Germans call him “the King in dress coat;” the French, “the Parvenu King;” but the President has an antiquity stretching far back of hereditary monarchs, and beneath his dress coat conceals the paint of the primitive warrior. In war, supremacy of an individual will was essential; the wisdom that comes of a multitude of counselors becomes unwisdom when safety depends on the instant action of all as one man. While war was the normal condition of mankind there was no hereditary chieftainship; their biggest, or cunningest, or bravest man was chosen by each tribe, under penalty of extermination. When the first age of peace began, this chieftain, invested with power to be used against alien tribes, could use it to choose and enthrone his successor; as this successor was generally his own son, there grew up the immemorial custom which is transcendent law. But as with peace, arts and interests are developed, and society becomes complex, the chief can no longer administer to these needs alone; he remains to represent force, that in which his throne was established, but he would be overthrown if this force could not be transformed from a purely militant to an adequately industrial arm. To this end the chief summons counselors and ministers. These relieve him of responsibility and secure his dynasty, but it is at the cost of personal power. For this loss the family which reigns without governing is compensated by the social lustre of nominal headship. But peace is liable to be broken, and it is then generally found that the hereditary chieftainship cannot resume its original

function of leading in war. The luxury of palaces is not favorable to the breeding of warriors. If, at such juncture, when the laws and usages of peaceful society are suspended, and the community relapses temporarily into the martial condition, a warrior should arise able to lead his tribe to victory, the hereditary dynasty is liable to be overthrown. In the joy of safety and victory the warrior is hailed as a saviour ; religious traditions and instructions declare him the chosen instrument of the war god, or god of battles ; popular imagination invests him with supernatural glories which eclipse that of routine royalty. The man thus able to break the line of royal succession is recognizable through history ; he is called demigod, hero, scourge of God, dictator, man of destiny, father of his country ; he is Emperor by the grace of God ; the Holy Ghost in form of a dove is seen hovering near his head, and is the emblem on his sceptre. By immediate divine commission he overrules the traditional "divine right" of kings ; he can conquer or dissolve parliaments. Such, to recall words of the most salient example, Napoleon I., are "powerful mortals chosen by destiny, at certain given moments of history, to hold the place of a people, and towards whom when they appear each turns with the cry, 'Behold the Man !'" These men represent imperialism as distinguished from royalty. It is from the Mahomets, Cæsars, Cromwells, Napoleons, that the imperial line is formed. It is based in revolution and dependent on military glory. When the revolution is through ballots, instead of bayonets, and the chieftain is the most skillful political strategist, the Emperor is called a President.

*Mais, que diable allait-il faire dans cette galère ?* How came it that an assembly of Americans should fall out of the line of the historic development of their race, and, having dethroned King George, set up in his place a power which no George ever dreamed of exercising ? Bagehot thinks our presidential office due to a mistake. "Living across the Atlantic, and misled by accepted doctrines, the acute framers of the Federal Constitution, even after the keenest attention, did not perceive the Prime Minister to be the principal executive of the British Constitution, and the sovereign a cog in the mechanism." This is true, no doubt, but it hardly explains the fact that we find ourselves to-day, as Mr. Lockwood says, "under a form of government abandoned in England nearly two hundred years ago." In truth, there sailed

the Atlantic with our fathers, and dwells with us, a superstition by which premiership and kingship are combined.

“Not all the water in the rough, rude sea  
Can wash the balm off from an anointed king.”

Our President is invested with the right to rule without Cabinet or Ministers ; to dismiss heads of departments and all other leading officers appointed with consent of the Senate on the day after that body adjourns, and govern with others, or without any, until that body reassembles, Congress being meanwhile non-existent ; to grant reprieves and pardons for offenses against the United States (with the comparatively unimportant exception of cases of impeachment) ; as Commander in Chief of the Army and Navy, and of the Militia of the several States when called into National service by himself, to make such disposition of the land and naval forces as he pleases ; in case of any rebellion against his authority or action, to suspend the Writ of Habeas Corpus ; to veto any law passed by Congress, rendering it necessary that such law shall be passed by two-thirds of each House in order to become law,—such law being then dependent for execution on officers commissioned by the President, from whose oath to “preserve, protect and defend” the Constitution the duty of carrying out the laws passed by Congress was notably excluded. These powers may be, and repeatedly have been, given for four years by a minority of the people ; they may be, and have been, bestowed by the hand of an assassin ; they may be legally perpetuated through any number of terms in the hands of the same man ; they are revocable only by impeachment and a vote of two-thirds in a House not chosen by the people, presided over by a Chief Justice appointed by the Executive, perhaps by the very President on trial. Nothing has been more certainly proved than that the power of impeachment, on which alone the framers of the Constitution depended as a shield against presidential despotism, is delusive. The executive has seized the purse of the Nation ; has declared war ; has used his sword against loyal citizens of the country ; has pardoned violators of laws passed by Congress, in one case on the ground that the law was “a nullity ;” it has claimed the right to execute the laws according to its private interpretation, in disregard of judicial decisions ; has abetted rebellion against a constitutionally elected President be-

fore his inauguration ; has fulfilled corrupt contracts made to secure its election ; has forced on the Nation a President never elected ; and in none of these cases has impeachment been even attempted. In one case where such outrages were repeated and intensified, where defiance of law was proclaimed as a policy, and the hardly-won life of the nation re-endangered by a traitor enthroned by assassination,—a drunken ruffian who staggered about the country vomiting vulgarest abuse on the people and Congress, claiming the bullet of the assassin which slew his predecessor as the providential sanction of his usurpations,—impeachment was attempted ; but this impeachment, supported by a unanimity in the country never likely to be again attained, failed. The one shield must now be regarded as shattered.

The declaration of Edmund Randolph, adopted by Franklin, that “presidency is the foetus of monarchy,” was but a partial prediction of the fact which time has proved ; it was a full-born and panoplied monarchy which sprang from the brain of that convention, and the foetus in it was that of imperialism. Our fathers, tearing the King’s title and symbols to tatters, re-enthroned the man, gave him fresh lease, added the means of recovering lost privileges ; so that the Georges, and Jameses, and Charleses, and Cromwells have all been rehabilitated and their oppressions renewed in the brief history of the United States. If they have not claimed titles it is because their power has been more secure under the mask of constitutional presidency. If we have no historic *coup d’état* it is because the *coup d’état* is a part of our Constitution, and its exercise has become too familiar to be regarded with horror. Even the supposed supernatural authority of emperors—softened by limited monarchy into a vague doctrine of “divine right”—has been revived by and for our presidential autocrats. Various gods have been invoked in sanction of imperial actions by our presidents, from the Thunder-god, by whom Andrew Jackson piously swore, to the Bullet-god of Andrew Johnson. When Johnson’s allusion in a speech to Lincoln’s death was met with a cry of “unfortunate,” the President answered : “Yes, unfortunate for some that God rules on high and deals in justice (cheers). Yes, unfortunate. The ways of Providence are mysterious and incomprehensible, controlling all who exclaim ‘unfortunate!’” Mr. Lockwood, referring to the more arbitrary presidents says : “They generally invoked the supernatural in the place

of the people." This "higher law," which, as he rightly remarks, means after all the personal will of him who uses it, was sanctioned by Garfield while in Congress. "We have a right," he said, "to do our solemn duty, under God, to go beyond the Constitution to save the authors of the Constitution." "I not only lifted up my hand to support the Constitution before God, but it makes me now sorry there had not been a sword in it when I lifted it up, to strike down any and all who would oppose the use of all the means God has placed in our power for overthrowing the rebellion forever." This was said in answer to a question, concerning the confiscation of Southern property, whether he (Garfield) "would, to aggravate the punishment of the traitor, or to punish the innocent children of the rebels, break the Constitution?" The doctrine enunciated by Garfield was an encouraging one for Guiteau, who equally claimed to act "under God" when he "lifted his hand" with a pistol in it to elect a new president for the United States.

Mr. Lockwood remarks that "This higher law, when it means individual judgment, is but another form of divine right." The phrase "divine right" is, however, now characteristic of ministerial monarchy rather than of personal empire. The "under God" autocracy is characteristic of democracies, and is sustained by appeals to popular passions, superstitions, and love of glory. Napoleon I. put on his own head, with his own hand, not the crown of the Louises, but the crown of Charlemagne,—iron crown of the Holy Roman emperor, with a nail of the True Cross in it, and the motto, "God gave it to me; woe to him who touches it!" The Holy Nail is under the hat of our four-year emperor also. The real Providence that chooses one man out of fifty millions to rule over his fellows is suspected by some of being the political Boss; but the regular nominee is soon discovered to be the Fountain of Living Waters. It is an element of success if it can be shown that he once lived in a log-cabin, or split rails, or traveled a tow-path. This is a bit of the Holy Nail. Was not the Son of God a carpenter, born in a stable?

The framers of our Constitution meant to preserve the power of the British Crown as it stood when they parted from it, a time-limit and a liability to impeachment. They established a Republican Court. The first President drove out with six horses, and kept the crowd at a distance. His measures were determined by a majority of his Ministers. Our earlier

presidents were proud of their pedigrees, and never invoked any deity except Washington. But the constitutional royal crown, imported into a democracy, must undergo transformation into the more brilliant imperial crown with the Iron Nail inside it. The transformation came with Jackson. That Scotch-Irish-Carolinian-Tennessean Cromwell, Calvinist preacher, lawyer, soldier, with his victories over the Indian and the Briton written in scars, and decorated with titles of dread and admiration—"Sharp Knife," "Pointed Arrow," "Old Hickory," struck the imagination of America as the Corsican did that of France. The mobocracy had their man. I heard from the widow of Alexander Hamilton a description of the long, lank backwoodsman in the White House, with his Nimrods around him, where motley was your only wear. "At one of his receptions," she said, "there was ice-cream, and I saw a number of people breathing over their spoons in order to melt it before putting it into their mouths." General Jackson could do no wrong. It was an anecdote of a pious Jacksonian deacon of our county, in Virginia, that a Whig laid a wager he would justify Jackson even for murder. Over-taking the deacon on his way to church, he entered into conversation, and professed to be just from Washington. "Well, and what's the news at Washington?" asked the deacon. "Nothing—oh, yes there is: General Jackson killed a man yesterday." "Killed a man!" cried the deacon. "Yes, he was walking on Pennsylvania avenue and told a man to get out of his way; the man didn't, and the President shot him." The deacon meditated a few moments, then broke out, "Hurrah for the General! Whyn't the man get out of his way!"

The fable is fairly characteristic of the period. Since Jackson's reign we have been living under the imperial régime. One peril of it is that the God-made ruler has a sort of supernatural rôle to fill. It is imperative on an emperor to shine; he has no historic or hereditary lustre to shine for him. This is especially necessary for the emperor whose further lease of power depends on brilliancy. And intellectual brilliancy will not do. The sway of statesmanship passed away with the ministerial or British phase of our government. The Clays, Websters, Calhouns were all scalped by Jackson. Since his reign no civilian has ever been elected president by a majority of the people, save Lincoln, while Commander-in-Chief in the thick of war. The pluralities of



Van Buren and Polk came by the borrowed glory and favor of Jackson, who was also the political creator of James Buchanan. With exception of five minority civilian presidents the nation has, during fifty-seven years, elected only military men. One statesman was, indeed, elected, but could not take his seat against two Generals in possession. The glittering precedents of our Jacksonian half century,—spirited spoliations of neighboring countries, wars against Mexicans, Indians, and anti-slavery settlers, filibustering expeditions, theatrical threats towards foreign nations,—have set a tempter at the door of the White House; his suggestions cannot be without danger so long as Cuba and Mexico have still territory of which they may be robbed; and while so many social, moral, and religious fanaticisms are instituting crusades against personal freedom.

A corollary of executive imperialism is legislative enfeeblement. There is as much statesmanship in the country as ever, but, in presence of the marble busts of their great forerunners, the most conspicuous Congressmen at Washington seem to have no public aim higher than to worry the Mormons. The President of Harvard University says young men decline the political career, because official positions are poorly paid. Another shows them fully paid, but says it costs too much money to obtain them. The voter sells his vote. Do we expect paupers to be idealists and heroes? To how many poor men with families to feed must five dollars be worth more than the contribution of an inconsiderable part of the power which decides whether Smith or Brown shall be salaried to sit in a debating society at Washington? A vigorous English writer has described the legislative debates at Washington as prologues without a play. "There is nothing of a catastrophe about them; you cannot turn out the Government. The prize of power is not in the gift of the legislature, and no one cares for the legislature. The executive, the great centre of power and place, sticks irremovable; you cannot change it in any event." Seward was ridiculed for saying that the Civil War was a "war of succession;" but that is what it was. Slavery knew that to own the executive was to own the Government. In other words, the American people are governmentally three-headed, and the executive head, being the only one with power to carry out its will, has reduced the representative head to a cerebral pulp. Whilst in England the peers long to get into the House of Commons, in the

United States the representative regards his House as a mere stepping-stone to the Peerage of States, the Senate, which has filched a little of the executive power. But this Head No. 3 will never get more than the crumbs of patronage that fall from the President's table. By what natural right can the Senate choose the officers of the executive? It represents antiquarian State boundaries; it preserves an anomalous inequality of which the Nation is only not jealous so long as it is not obstructive of the popular will; it can never be supported by the loyalty with which a nation looks to its personal chief. Consequently, the Senate becomes steadily less of an object in the eyes of American youth of culture and good position. In business, in professions, in science, they deal with realities; they do not have to talk buncombe about things not to be changed by what they say or do. The course of the Government is fixed every four years for the four years following; the real legislation is to determine that, and it is carried on in the caucus, in the newspaper, on the stump. A debate in Parliament stirs the world; a debate in Congress stirs the lungs of the speakers.

MONCURE D. CONWAY.

[*To be Concluded.*]